

Application No. : 09/825,772
Amdt. Dated : November 19, 2007
Reply To O.A. Of : May 21, 2007

REMARKS

By way of summary, Claims 30-45 and 55-60 were pending in this application. In the present amendment, the Applicant amended Claims 30, 55 and 60. Accordingly, Claims 30-45 and 55-60 remain pending for consideration.

Objections To Claim 60

The Office Action objected to Claim 60 for various informalities. The Applicant respectfully submits that the amendments thereto correct such informalities.

Rejection Of Claims 30-45 and 55-58 Under 35 U.S.C. § 102(e) Over Yost

The Office Action rejected Claims 30-45 and 55-58 under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,154,766, issued to Yost et al. (the Yost patent). The Applicant respectfully traverses this rejection because the Yost patent fails to identically teach every element of the claim. See M.P.E.P. § 2131 (stating that in order to anticipate a claim, a prior art reference must identically teach every element of the claim).

For example, independent Claims 30 and 55 each recite a method where a consumer subscribes to receive specific information about specific products. The system is not allowed to simply choose to push information to the consumer; rather the system is constrained by the sub-product information filters the consumer specifically identifies. For example, a consumer might choose to subscribe to a service that produces an email to the consumer if, and only if, a Sony 60 inch WEGA™ Rear Projection HDTV television drops into a consumer selected price-point range from a dealer within a consumer selected zip code or area.

This concept is claimed in amended independent Claims 30 and 55. For example, the claims recite:

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30. A method of providing consumers information about consumer products through a subscription-based system where each consumer tightly controls the information provided by selecting specific subject areas of information for each consumer product, the method comprising:

- receiving from a potential consumer a selection of a consumer product available for purchase through commerce by the potential consumer of the product;

- providing to the potential consumer one or more subscription offers to different consumer information about the product, each subscription offer associated with consumer information about the product organized into specific subject areas subordinate to the product;

- receiving one or more subscriptions to one or more of the specific subject areas about the product; and

- when conditions relating to the subscription are met, formatting deliverables to be sent to the consumer according to the subscription, the deliverables including portions of the consumer information corresponding to the selected one or more specific subject areas.

55. A method of obtaining information about a consumer product available for purchase by consumers when the information about the product matches strict consumer-selected criteria, the method comprising:

- accessing an online service;

- selecting a commercial product available for purchase through commerce, said selecting being from product listings of the online service;

- subscribing to one or more subject areas of consumer information subordinate to and about the selected product;

- designating delivery parameters corresponding to the subscription, wherein the delivery parameters govern when the consumer information corresponding to the subscribed-to subject areas will be delivered; and

- when the delivery parameters are met, receiving the consumer information corresponding to the subscription.

In direct contrast, the Yost patent discloses a querying system for generating statistical business management reports (not consumer product information) from a data warehouse of business information. See for example, Col. 8:1-5 stating:

For example, if a service were specified to run the monthly sales totals for the Midwest region of a company every weekend and

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generate an alert to the supervisor on Monday morning if sales drop below 5%, then service generation module 46 would be responsible to monitor the schedule of this service to ensure that the report contained therein was processed over the weekend and then generate an alert report if the criteria set in the service is satisfied.

Moreover, any "service" alleged by Yost is simply a business data statistics report. For example, Col. 4:11 – 15 states:

A "service" as used herein should be understood to include one or more reports that are scheduled to be run against one or more data warehouses, relational databases, files in a directory, information from a web or file transfer protocol site, or information provided by a custom module, by a server system.

Accordingly, the Yost patent fails to identically teach or suggest each element of independent Claims 30 and 55. Thus, the Applicant respectfully submits that independent Claims 30 and 55 are allowable over the Yost patent. Similarly, dependent Claims 31-45 and 56-60, which dependent from Claims 30 and 55, are allowable over the Yost patent because of their dependency and because of the additional elements recited therein.

Rejection Of Claims 30-45 and 55-60 Under 35 U.S.C. § 102(e) Over Carpenter

The Office Action rejected Claims 30-45 and 55-60 under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,065,047, issued to Carpenter et al. (the Carpenter patent). The Applicant respectfully traverses this rejection because the Carpenter patent fails to identically teach every element of the claim.

As discussed, independent Claims 30 and 55 each claim user/consumer selection of a product followed by subscription to specific subject areas related to that product in order to narrowly define the permissibility of information a system can push to the user's email. In contrast, the Carpenter patent discloses the CompuServe's Easy Navigator User Interface, which much like an AOL or Yahoo.com website front end, is simply a user interface environment for online activity. For example, Col. 6:1 – 18 states:

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For example, if the subscriber has selected "money" as a topic, "budgeting" as a subtopic, and the selected action is "chat," the subscriber may enter a chat content area related to money/budgeting. Once at the chat area, the subscriber may join a chat session and begin monitoring the remarks and comments of other subscribers as well as submit messages to be displayed to the other subscribers participating in the chat session. If the selected action is "shopping," the subscriber may enter an electronic mall area in which products and services related to money/budgeting are presented. The subscriber may browse the offerings in the mall and make online purchases if desired. Other actions available to the subscriber in the specific content area may allow the subscriber to perform other sets of tasks in which the information presented to and/or exchanged with other subscribers, merchants, etc. relates to the selected topic and subtopic.

Thus, the Carpenter patent also fails to teach or suggest narrow consumer subscription to products or services. In fact, the Carpenter patent's use of the term "subscription" is directed toward subscribing as a member of CompuServe, not subscribing to directed email services relating to specific consumer products as recited in Claims 30 and 55.

Accordingly, the Carpenter patent fails to identically teach or suggest each element of independent Claims 30 and 55. Thus, the Applicant respectfully submits that independent Claims 30 and 55 are allowable over the Carpenter patent. Similarly, dependent Claims 31-45 and 56-60, which dependent from Claims 30 and 55, are allowable over the Carpenter patent because of their dependency and because of the additional elements recited therein.

Request For Telephone Interview

In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner. The Applicant's attorney can be reached at (949) 721-2946 or at the number listed below.

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No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

The Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Serial Number	Title	Filed
10/043,876	Feature Rich Advertisements Including Consumer Requests For Additional Information	January 10, 2002

The Applicant understands that the Examiner has access to sophisticated online Patent Office computing systems that provide ready access to, for example, specification and drawing publications, pending claims and complete file histories, including for example, cited art, office actions, responses, and notices of allowance. However, if the Examiner determines that any of the foregoing from the '876 application are of interest or of particular importance to the present application claims, and the Examiner cannot readily access such reference(s) through the foregoing computing systems, the Applicant will gladly provide such reference(s) at any time and to the best of their ability upon specific Examiner request.

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In addition, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 19, 2007

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